

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,  
Plaintiff,

v.

Dennis E. Hecker,  
Defendant.

Case No. 0:10-CR-32 (01) JNE/SRN

**DEFENDANT'S MOTION TO  
DISMISS COUNTS 1 AND 16**

Defendant DENNIS E. HECKER, by and through his attorney, Brian N. Toder, hereby moves the Court for an order dismissing Counts I and 16 of the Superseding Indictment on the grounds that they are each duplicitous, charging two or more distinct and separate offenses. Alternatively, if the Court does not decide to so dismiss, defendant moves for an order requiring the government to elect a single offense for each of the two offending counts.

This motion is based upon the indictment, the records and files in the above-entitled action, the concurrently filed memorandum, and any and all other matters which may be presented prior to or at the time of hearing of said motion.

Respectfully submitted,

Dated: June 2, 2010

**CHESTNUT CAMBRONNE PA**

By /s/ Brian N. Toder

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